

1 THE HONORABLE ROBERT S. LASNIK
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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 FEDERAL DEPOSIT INSURANCE
10 CORPORATION as Receiver for Washington
11 Mutual Bank,

12 Plaintiff,

13 v.

14 ARCH INSURANCE COMPANY,
15 NATIONAL UNION FIRE INSURANCE
16 COMPANY OF PITTSBURGH, PA, and
17 LLOYD'S SYNDICATE NOS. 2087, 2000
18 and 382 and WUERTTEMBERGISCHE
19 VERSICHERUNG A.G. 2023889000007 as
20 subscribers to the LLOYD'S POLICY and the
21 COMPANIES INSURANCE POLICY NO.
22 509/QA015607,

23 Defendants.

24 Case No. 2:14-cv-00545 RSL

25 **STIPULATED MOTION AND
[PROPOSED] ORDER REGARDING
RESETTING CERTAIN DISCOVERY
AND MEDIATION DEADLINES**

26 **NOTE ON MOTION CALENDAR:
January 5, 2018**

27 **STIPULATION**

28 The Parties to this action, by and through their undersigned counsel, jointly request that the
29 Court modify the Amended Order Setting Trial Date and Related Dates (dkt #183) to extend
30 certain discovery deadlines and the mediation deadline in light of developments in this case.

31 First, the parties would like to extend the settlement conference deadline by one day, i.e.,
32 from February 28, 2018 to March 1, 2018, to accommodate mediator Jed Melnick's schedule.
33 Second, the parties would like to extend the discovery cutoff and expert discovery deadlines due to
34 practical and logistical issues associated with preserving testimony for trial from third party
35 witnesses and production of historic documents concerning events that occurred at a bank that no

36 STIPULATED MOTION AND [PROPOSED] ORDER
37 REGARDING DEADLINE FOR SETTLEMENT
38 CONFERENCE

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1 longer exists. More specifically, the witnesses in this case are being asked to recall events and
 2 interpret documents that occurred in 2007 and earlier. Many of the witnesses are unavailable for
 3 trial, none work for Washington Mutual Bank at this time, the witnesses are spread across the
 4 country, there are logistical issues associated with scheduling their depositions, and the
 5 depositions are for trial testimony. Likewise, the FDIC-R has had logistical issues in locating and
 6 producing historic documents, and it has obtained additional documents that it is currently in the
 7 process of reviewing and producing relevant to certain witnesses. Accordingly, the parties need
 8 additional time to complete its trial depositions, and experts will rely upon this testimony. The
 9 parties have worked diligently to conduct eleven depositions (most of them in the past three
 10 months) in South Carolina, Florida, Washington, and Wisconsin. Additional depositions are
 11 scheduled in New York, London, Missouri, Texas and Oklahoma. The parties believe that they
 12 can complete their work within the proposed deadlines, and they are focused on preparing the case
 13 for a trial in June.

14 If granted, this Motion would make the following indicated changes to the Court's prior
 15 case schedule:

16	TRIAL DATE	June 4, 2018
17	Reports from expert witnesses under FRCP 26(a)(2) due	January 20, 2018 February 23, 2018
18	All motions related to discovery must be noted on the motion calendar no later than the Friday before discovery closes pursuant to LCR 7(d) or LCR 37(a)(2)	
19	Fact Discovery completed by	February 4, 2018 February 28, 2018
20	Supplemental/rebuttal reports from experts	March 9, 2018
21	Expert depositions completed by	February 20, 2018 March 23, 2018
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1	Settlement conference held no later than	February 28, 2018
2		March 1, 2018
3	All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (see LCR 7(d)(3))	March 6, 2018
4		March 23, 2018
5	All motions in limine must be filed by and noted on the motion calendar no earlier than the <u>second</u> Friday thereafter.	May 7, 2018
6	Replies will be accepted.	
7		
8	Agreed pretrial order due	May 23, 2018
9		
10	Pretrial conference to be scheduled by the Court	
11	Trial briefs, proposed voir dire questions, proposed jury instructions, and trial exhibits due	May 30, 2018
12	Length of Trial: 10-15 days	Jury
13		

14 IT IS SO STIPULATED.

15 RESPECTFULLY SUBMITTED this 21st day of January, 2018.

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IT IS SO ORDERED.

DATED this 8th day of January, 2018.

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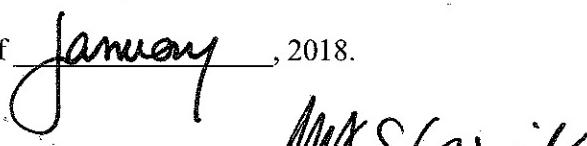
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THE HONORABLE ROBERT S. LASNIK
UNITED STATES DISTRICT COURT JUDGE